

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMED JOHN AKHTAR and LA BUCA
RESTAURANT, INC. d/b/a SWING 46 JAZZ
AND SUPPER CLUB,

Plaintiff

-against-

23-CV-6585 (JGLC) (VF)

ERIC ADAMS, Mayor of the City of New
York, ROHIT T. AGGARWALA, New York
City Department of Environmental Protection,
ERIC I. EISENBERG and JOHN AND JANE
DOES ONE THROUGH THIRTY,

Defendants

**NOTICE OF MOTION AND MOTION OF ERIC EISENBERG TO DISMISS
PURSUANT TO RULES 12(B)(1), 12(B)(2), 12(B)(4), 12(B)(5) AND 12(B)(6)**

PLEASE TAKE NOTICE that, upon the Plaintiff's pleading and the annexed Memorandum of Law, and all prior proceedings herein, the undersigned Eric Eisenberg, to the extent he may be a Defendant in this action, hereby moves this Court, at 500 Pearl Street, New York, NY 10007-1312, before the Hon. Jessica G. L. Clarke, United States District Judge of the Southern District of New York, at a date and time to be determined by this Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), 12(b)(4), 12(b)(5), and 12(b)(6), dismissing all claims which may be asserted against him, with prejudice in their entirety, and awarding such other relief as the Court may deem just and proper.

Opposition papers shall be filed on or before December 11, 2023.

Reply papers shall be filed within seven days thereafter.

Dated: Miami, Florida
November 27, 2023

Respectfully submitted,

s/ Eric Eisenberg
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